

DANIEL UMPA, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

4:23-cv-00945-SRB

Judge Stephen R. Bough

ORAL ARGUMENT REQUEST

For the reasons stated in the accompanying Suggestions in Support, together with all exhibits attached thereto, the HomeServices Defendants respectfully move the Court to strike the class definition with respect to any class member who signed an arbitration agreement in Doc. 157-12 (Long & Foster Declaration and accompanying Declaration Exhibits) and require its amendment to excise the arbitrating, unnamed, absent class members.

No class can be certified. The Eighth Circuit thus directs the Court to require the plaintiff to redefine it. The motion to strike should be granted.

Dated: February 26, 2024

/s/ Robert D. MacGill

Robert D. MacGill (*phv*)
Matthew T. Ciulla (*phv*)
J. Cecelia Satterthwaite (*phv*)
MACGILL PC
156 E. Market St.
Suite 1200
Indianapolis, IN 46204
Telephone: (317) 721-1253
Robert.MacGill@MacGillLaw.com
Matthew.Ciulla@MacGillLaw.com
Cecelia.Satterthwaite@MacGillLaw.com

Jay N. Varon (*phv* pending)
Jennifer M. Keas (*phv* pending)
FOLEY & LARDNER LLP
3000 K Street NW, Suite 600
Washington, D.C. 20007
(202) 672-5300
jvaron@foley.com
jkeas@foley.com

Brian C. Fries
LATHROP GPM, LLP
2345 Grand Blvd. Suite 2200
Kansas City, MO 64108
816.460.5326
brian.fries@lathropgpm.com

Counsel for the HomeServices Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on February 26, 2024 on all counsel of record by virtue of the Court's CM/ECF System.

/s/ Matthew T. Ciulla